

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ALVIN LUCKETT,)	8:15CV121
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
GREG WALKER,)	
)	
Defendant.)	

On April 13, 2015, Alvin Lockett mailed two documents to the clerk's office of the United States District Court for the District of Nebraska, a "Motion for Writ of Replevin" (Filing No. [1](#)) and an Application to Proceed in Forma Pauperis (Filing No. [2](#)). The caption in both documents suggests that Lockett intended to file this action in the state courts of Mississippi. (*See* case caption in Filing No. [1 at CM/ECF p. 1](#) ("IN THE JUSTICE COURT OF UNKNOWN COUNTY, MISSISSIPPI") and case caption in Filing No. [2 at CM/ECF p. 1](#) ("APPLICATION TO PROCEED IN FORMA PAUPERIS IN THE COURTS OF THE STATE OF MISSISSIPPI").) Thus, because it appears from the face of the pleadings that Lockett did not intend to file an action in *this* court, the undersigned judge will strike its prior order granting Lockett leave to proceed in forma paupers in this action, and will dismiss this matter without prejudice to reassertion in the intended forum.

IT IS THEREFORE ORDERED that:

1. This case is dismissed without prejudice to reassertion of an action in the intended forum.

2. The court's Memorandum and Order granting Lockett's Motion for Leave to Proceed in Forma Pauperis (Filing No. [7](#)) is stricken, and Plaintiff's Motion for Leave to Proceed in Forma Pauperis (Filing No. [2](#)) is denied. Lockett will not be obligated to pay the filing fee for this action because it does not appear that Lockett intended to file a new civil action in this court.

3. The court will enter judgment by a separate order.

DATED this 22nd day of October, 2015.

BY THE COURT:

s/ John M. Gerrard
United States District Judge

*This opinion may contain hyperlinks to other documents or Web sites. The U.S. District Court for the District of Nebraska does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the court has no agreements with any of these third parties or their Web sites. The court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the court.